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**Report of the Head of Strategic Investment****STRATEGIC PLANNING COMMITTEE****Date: 25-Oct-2018****Subject: Planning Application 2018/91579 Reserved matters application pursuant to outline application 2015/93824 for erection of 56 dwellings Former Midlothian Garage, New Mill Road, Holmfirth, HD9 7LN****APPLICANT**

Seddon Homes Limited

**DATE VALID**

14-May-2018

**TARGET DATE**

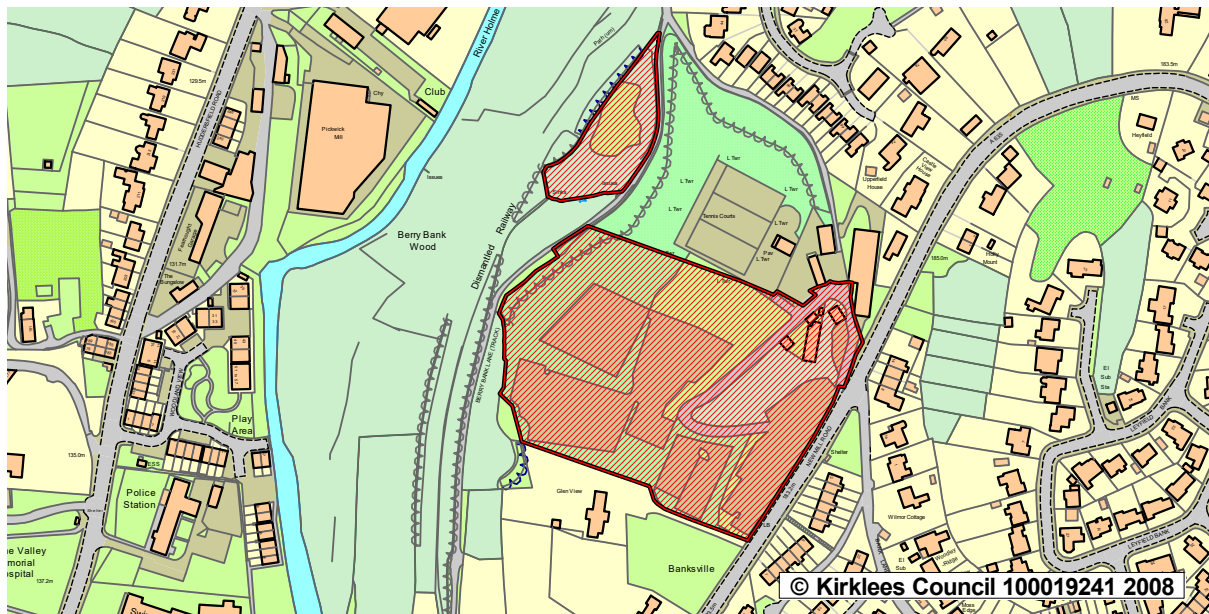
13-Aug-2018

**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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**Electoral Wards Affected:** Holme Valley South

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:** DELEGATE approval of this application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

## **1.0 INTRODUCTION:**

1.1 This is a reserved matters application pursuant to outline consent (2018/93824: Outline application for 56 no dwellings and care home with associate car parking), brought to Committee at the request of Cllr Nigel Patrick and Cllr Ken Simms, with the Agreement of the Chair. The matters applied for approval are layout; scale and appearance; and landscaping. Access was agreed at outline application stage.

## **2.0 SITE AND SURROUNDINGS:**

2.1. The application site comprises an area of 2.25 ha and is located on the western side of New Mill Road, Holmfirth. The site is now vacant having formerly accommodated Midlothian garage.

2.2. On the opposite side of New Mill Road are residential properties and there is a large detached dwelling located to the south. To the north is a tennis club, and a number of small business units, these are accessed off Berry Bank which is also a public footpath. To the west of the site is the former railway line.

2.3 The site is split into 2 parts; to the New Mill Road frontage there is a hard standing area that is in an unkempt condition. This area is used informally for parking, but is privately owned land. There is an existing point of access that serves this area and then drops down steeply into the rear part of the site which is the much larger area, formerly occupied by the garage buildings. Vehicle access to this area is restricted by barriers and earth mounding. The site comprises rough hardstanding for the most part and is overgrown and unkempt. There are a substantial number of trees within the site, including a wooded embankment central to the site and wooded areas along the western boundary, down towards the former railway line.

2.4. As part of the application site there is an adjacent area of open land to the north, at a significantly lower level, adjacent to a public footpath and therefore accessible to potential future occupiers as well as footpath users.

#### **4. BACKGROUND AND HISTORY**

4.1. 2011/93163 Erection of retail food store – Refused. Subsequent appeal Dismissed.

4.2. Outline application for the erection of 56 no dwellings and care home with associated car parking. Approved subject to a Section 106 agreement providing Affordable housing; and Public Open Space.

The Section 106 provides for 6 no 2 bed units, a mixture of social rental and intermediate dwellings, and the provision of POS areas within and adjacent to the site, with subsequent maintenance.

#### **5.0. HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1. A pre-application enquiry was submitted for the reserved matters (2018/20143). The meeting on this was attended by a Ward Member. The reserved matters discussed were very similar to those the subject of the application, and detailed suggestions regarding landscape, orientation of some buildings and detailed parking matters and waste collection were raised. The use of natural stone on the frontage was preferred.

5.2. Concern was raised by the Ward Member regarding the intensity of the use, and the adverse impact that would have on the highways network. Also expressed serious concern at the sites history as a tip and the consequent risk to public health of developing on it.

5.3. Amendments have been sought to the internal road layout and turning areas, also location of waste collection points agreed.

5.3. The group of trees centrally located on the site is to be removed, and a replanting scheme in the same location was submitted, this was discussed and agreed with Planning and Tree Officers. The Ward Members were re-consulted on this amendment, and their representations are included below in sections 7.2 and 7.3.

#### **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered

to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2. D2 – Unallocated land
  - BE1 – Design principles
  - BE2 – Quality of design
  - BE12 – Space about buildings
  - BE23 – Crime prevention
  - T10 – Highway safety
  - T19 – Parking standards
  - G6 – Land contamination
  - H1 – Meeting the housing needs of the district
  - H10 – Affordable housing
  - H18 – Provision of open space
  - NE9 – Retention of mature trees

Supplementary Planning Guidance / Documents:

- 6.3 Interim policy of Affordable Housing

Emerging Local Plan.

- 6.4 Housing allocation – (H2587).
- 6.5 PLP7 Efficient and effective use of land and buildings
  - PLP11 Housing mix and affordable housing
  - PLP20 Sustainable travel
  - PLP21 Highways safety and access
  - PLP22 Parking
  - PLP30 Biodiversity and Geodiversity
  - PLP32 Landscape
  - PLP33 Trees
  - PLP51 Protection and improvement of air quality

National Planning Guidance

- 6.6 Part 5. Delivering a sufficient supply of homes
  - Part 8. Promoting healthy communities
  - Part 9. Promoting sustainable transport
  - Part 11. Making effective use of land
  - Part 12. Achieving well designed spaces
  - Part 14. Meeting the challenge of climate change, flooding and coastal change
  - Part 15. Conserving and enhancing the natural environment

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been publicised by site notices and neighbour notification letters. No representations have been received

7.2 Cllr Nigel Patrick- “I believe Kirklees Council as LPA is acting irresponsibly to allow this land to be developed for housing as it is contaminated land and was used for landfill for many years pre-dating controls on landfill. It is beyond belief that in 2021 a LPA would allow such land to be developed for housing, and the Council as LPA

should recognise its legal responsibility for the safety of those people who will live on this site particularly the children. Given other cases that have occurred around the country, the Council does this not out of ignorance and should be aware of the potential consequences.

I object to the development of this site for residential in the strongest possible terms”.

“I think it is important also to advise members of the committee of the legal implications should there be a health incident any time in the future resulting from contamination within the developed land. That is legal implications to them as committee members and to the Council. Officer advice is not always right and mistakes are sometimes made. There should be case law on this.

I think it is also important to consider this LPA’s recent performance in relation to the post committee decision process in particular developers starting on site before conditions are discharged and a lack of enforcement action. That can be interpreted as a poor response to protect the public through planning control, and as such senior officers may wish to consider very carefully what the recommendation to committee will actually be as written and what form the decision will take. If I was a member of that committee I’d want to know exactly what decision I was being asked to take and the consequences in law. I think officers also need to be very clear as to what is expected of them by the decision too”.

7.3 Cllr Kenneth Simms- Agrees with Cllr Patricks views. If this view is ignored any development on the site should be constructed of natural Yorkshire stone

Comment: At the Outline application stage concerns about the contamination of the site and subsequent risk were raised by the Parish Council comments. Environmental Health required additional gas monitoring works to augment the submitted phase 2 Survey. This additional information was reviewed and Outline approval was acceptable subject to the imposition of pre-conditions requiring decontamination and remediation details to be approved, before any development can commence, through the Discharge of Condition process. This was reported to the Strategic Committee before the decision was taken.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

8.2 **KC Highways DM** -The access new Mill Road was agreed at Outline stage, and the internal road network and hierarchy is acceptable. A number of minor detailed changes to the layout are requested, and these amendments have now been received.

### **8.3 Non-statutory:**

8.4 **KC Trees-** A Tree Preservation Order has been served, on the important trees within and surrounding the site. The removal and replanting of the existing trees on the slope central to the site, is not objected to. The relationship of the proposed dwellings to the protected trees is satisfactory.

8.5 **KC Landscape-** No objections recommend maintenance condition. The replacement of the trees on the centrally locate slope is not objected to, the replanting proposed will be of greater benefit

8.6. **KC Environment Unit-** No objection to the landscaping and open space details provided, also the location and numbers of bird and bat roost opportunities identified, are acceptable. Recommend a condition for a method statement for the preparation of the ground at the base of the centrally located slope to be replanted, and a lighting scheme.

8.7 **Police Architectural Liaison Officer-** No objections in principle. Need to secure boundary treatments around the site, and a secure lighting scheme for the communal parking areas.

## **9.0 MAIN ISSUES**

9.1 The application site already has Outline planning permission for residential use (2015/9824- 56 no dwellings and a Care Home), with access only approved. This was subject to a Section 106 that secures and POS.

9.2 There are a number of pre- conditions on this approval that will be dealt with and need to be agreed through the discharge of conditions process before any development can commence. These include de-contamination, remediation and validation, prior to any occupation.

9.3 This application is for Reserved Matters approval for layout; scale and appearance; and landscaping

## **10.0 APPRAISAL**

### **Layout**

10.1. The layout indicates a total of 56 no dwellings (a reduction upon the indicative layout considered at outline, which included 56 dwellings and a potential care home). This delivers a density of 25 units per ha, which given the site constraints and the extent of tree cover around and within the site, is considered to be an efficient use of the site that accords with the indicative capacity identified on the Emerging Local Plan, and respects the surrounding area, which is a mix of dwellings including terraced properties, as well a detached and semi-detached properties.

10.2. Along the new Mill Road frontage includes dwellings facing onto the road, either side of the principle entrance. They are located close to the back edge of the pavement, with a staggered building. The terrace to the northern edge of the frontage has to been slightly further back to avoid impinging upon the existing public right of way.

10.3 The car parking for these areas is in 2 communal parking courts to the rear of the dwellings. The courts are in close proximity to the dwellings that they serve, and the spaces will be allocated. This arrangement, avoids the problem of front garden parking and multiple access points onto New Mill Road, which, is considered to be unsightly. These dwellings will have small front garden areas with pedestrian access, and the front gardens are to be landscaped. It is considered that this proposal will make a positive contribution to this street scene.

10.4. To the rear of the site there is a significant drop in levels, with a significant retaining wall to the south of the access and a steep treed slope to the north.

As such the majority of the development ie 42 dwellings is below road level and largely hidden from view from New Mill Road.

- 10.5. The existing access road, that historically served this site, and its alignment, has been retained as an estate road, and there are 2 shared surfaces each accessed off this estate road, and these in turn serve a number of private drives. The layout in this section of the site is relatively spacious with the dwellings mainly being detached and some semi-detached. The larger dwellings at the bottom of the site face westward, towards the protected tree belt that flanks the western side of the site.
- 10.6 The layout satisfies the Councils space about buildings policy, safeguarding the future privacy and amenity space for future occupiers. There will be no adverse effect on any neighbouring properties, the nearest being on the opposite side of New Mill Road, in a substantially elevated position relative to the application site. The large detached dwelling to the south of the site is protected by considerable areas of existing tree screening.
- 10.7 Adequate levels of parking are provided, and turning and delivery arrangements, together with waste collection points are all acceptable to enable efficient use of the site, without parking / turning manoeuvres spilling out onto New Mill Road.
- 10.8 The Police Architectural Liaison Officer has raised no objections, subject to a satisfactory lighting scheme being in place for the communal parking courts
- 10.9. As such it is considered that the layout satisfies Policies BE1, BE2, BE12 and BE23 of the Unitary Development Plan; PLP7 of the Emerging Local Plan, and the guidance contained in part 12 of the National Planning Policy Framework "Achieving well designed spaces".

### **Scale and Appearance**

- 10.10. The scheme includes 56 no dwellings, a mix of detached, semi-detached and terraced properties, all of which are 2 no storeys in height. This is considered to be an appropriate height and scale in this area, particularly along the New Mill Lane frontage, given the siting close to the back edge of pavement.
- 10.11. There are a variety of house types with differing roof and eaves lines to introduce additional interest into the layout. The dwellings are to be constructed of Edenshall buff black darlstone with a pitched face finish; buff smooth artstone heads, cills and jambs and Russel Grampian tiles slate grey. These materials are to be used throughout the site.
- 10.12. The proposed materials are considered to be acceptable in this location the buff/black product having a more weathered look and the slate grey colour of the tile is also appropriate, and the use of this throughout the site is welcomed, as opposed to the lower portion of the site, largely not visible from New Mill Road, being another materials such as brick or render.
- 10.13 .There are a significant number of landscaped areas, and pockets around the site that positively contribute to the appearance of the site both internally and as viewed from New Mill Road. These areas of landscaping also make a positive contribution towards biodiversity enhancement.

- 10.14. As such it is considered the scheme accords with policies BE1, BE2 and NE9 of Unitary Development Plan, and PLP30, PLP32 and PLP33 of the Emerging Local Plan.

### **Landscaping**

- 10.15. The landscaping on this site consists of retaining existing important trees on the periphery of the site, and new landscaping within the site. The central area of trees on a steep slope, initially indicated to be retained, are in fact not worthy of retention or protection, and the works necessary to deliver the scheme close to this area, would result in the remaining trees, but these would be of poor quality, and not afford effective screening or a green backdrop to dwellings on the lower part of the site.
- 10.16. As such the preferred solution for this site is the removal of these trees, on this slope and a replacement planting scheme. The replacement planting scheme submitted is acceptable subject to appropriate condition and also the species involved make a positive contribution towards biodiversity enhancement.
- 10.17 The remaining planting areas across the site include planted areas within the streetscape, as well as individual garden areas, with appropriate species of shrub and tree for their street or garden locations.
- 10.18 As such it is considered that the scheme accords with policies BE1, BE2 and NE9 of the Unitary Development Plan, PLP30 (Biodiversity and Geodiversity) PLP32 (Landscape); and PLP33 (Trees) of the Emerging Local Plan, as well, as the guidance contained and part 12 of the National Planning Policy Framework “Achieving well designed spaces” and part 15 “Conserving and enhancing the natural environment”

## **11.0 CONCLUSION**

- 11.1 The scheme submitted is considered to deliver an efficient use of this derelict brown field site. The density as well as complementing surrounding development, accords with the estimated capacity identified on the sites allocation in the Emerging Local Plan. Also it is a significant reduction in density from that envisaged at the outline stage as the Care Home has been omitted from this application.
- 11.2 The layout scale and appearance are considered to be acceptable, and respond to the sites topography, whilst respecting the valued trees around the site, which contribute to its character and the character of the wider area. The scheme incorporates new areas of landscaping within the street scene, as well as a replanted area on the centrally located slope that will represent an improvement upon that which it replaces. Also the landscaping proposed will deliver significant biodiversity enhancement.
- 11.3 In highway terms the principle access is already agreed, but the layout is acceptable, adequate parking is provided within the scheme and the site can be served efficiently in terms of access, delivery and refuse collection.
- 11.4 As such the reserved matters details are recommended for approval.



## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Development to be carried out in accordance with approved plans
2. Samples of materials
3. Boundary treatments
4. Tree protection measures and Tree Method Statement
5. Parking and surfacing areas to be provided.
6. Lighting scheme

NB. There are already a significant number of additional conditions on the existing Outline Approval that would need to be discharged prior to any development commencing, and the existing Section 106 deliver the affordable housing and Public Open Space.

### **Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91579>